

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

INTERNET MACHINES LLC

Plaintiff,

v.

Civil Action No. 6:10-cv-00023-MHS

ALIENWARE CORPORATION;
ADVANCED MICRO DEVICES, INC., A
DELAWARE CORPORATION;
ATI TECHNOLOGIES, ULC A/K/A AMD
GRAPHICS PRODUCT GROUP
CLUB 3D B.V.;
CYCLONE MICROSYSTEMS, INC.;
DELL, INC. D/B/A DELL COMPUTER, INC
D/B/A DELL COMPUTER F/K/A DELL
COMPUTER CORP.;
EXTREME ENGINEERING SOLUTIONS, INC.
FREEDOM USA, INC., D/B/A AVADIRECT
CUSTOM COMPUTERS;
GDA TECHNOLOGIES, INC.;
GENERAL ELECTRIC ENTERPRISE
SOLUTIONS, A DIVISION OF GENERAL
ELECTRIC COMPANY;
INTEGRATED DEVICE TECHNOLOGY, INC.;
INVENTURE, INC.;
NATIONAL INSTRUMENTS CORP.;
NVIDIA CORPORATION;
PLX TECHNOLOGY, INC.;
TIGERDIRECT, INC.
VADATECH, INC.; AND
VROSE MICROSYSTEMS, INC.

Defendants.

JURY TRIAL DEMANDED

[CORRECTED] SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Internet Machines LLC files this corrected Second Amended¹ Complaint against
ALIENWARE CORPORATION; ADVANCED MICRO DEVICES, INC., A DELAWARE

¹ Plaintiff is amending its Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2), as Plaintiff has obtained written consent for this amendment from the Defendants who have so far appeared in the case.

CORPORATION; ATI TECHNOLOGIES, ULC A/K/A AMD GRAPHICS PRODUCT GROUP; CLUB 3D B.V.; CYCLONE MICROSYSTEMS, INC.; DELL, INC. D/B/A DELL COMPUTER, INC D/B/A DELL COMPUTER F/K/A DELL COMPUTER CORP.; EXTREME ENGINEERING SOLUTIONS, INC.; FREEDOM USA, INC., D/B/A AVADIRECT CUSTOM COMPUTERS; GENERAL ELECTRIC ENTERPRISE SOLUTIONS, A DIVISION OF GENERAL ELECTRIC COMPANY; GDA TECHNOLOGIES, INC.; INTEGRATED DEVICE TECHNOLOGY, INC.; INVENTURE, INC.; NATIONAL INSTRUMENTS CORP.; NVIDIA CORPORATION; PLX TECHNOLOGY, INC.; TIGERDIRECT, INC.; VADATECH, INC. and VROSE MICROSYSTEMS, INC. (collectively "Defendants").

PARTIES

1. Internet Machines LLC ("Internet Machines" or "Plaintiff") is a Texas Limited Liability Company with its place of business at 208 N. Green Street, Suite 310 in Longview, Texas.

2. Defendant ALIENWARE CORPORATION ("ALIENWARE") is, on information and belief, a Florida corporation with a place of business at 14591 Southwest 120th Street, Miami, FL 33186, or at One Dell Way, Round Rock, Texas 78682.

3. Defendant ADVANCED MICRO DEVICES, INC., A DELAWARE CORPORATION ("AMD DELAWARE") is, on information and belief, a Delaware corporation with a place of business at AMD Place, Sunnyvale, CA 94088.

4. Defendant ATI TECHNOLOGIES, ULC A/K/A AMD GRAPHICS PRODUCT GROUP ("ATI") is, on information and belief, Canadian entity with a place of business at 1 Commerce Valley Drive E, Markham, Ontario, L3T 7X6, Canada.

5. Defendant CLUB 3D B.V. (“CLUB3D”) is, on information and belief, a Netherlands corporation with a place of business at Diamantlaan 10 - 2132 WV Hoofddorp - The Netherlands.

6. Defendant CYCLONE MICROSYSTEMS, INC. (“CYCLONE”) is, on information and belief, a Connecticut corporation with a place of business at 370 James Street, New Haven, CT 06513.

7. Defendant DELL, INC. D/B/A DELL COMPUTER, INC D/B/A DELL COMPUTER F/K/A DELL COMPUTER CORP. is, on information and belief, a Delaware corporation with a place of business at One Dell Way, Round Rock, Texas 78682.

8. Defendant EXTREME ENGINEERING SOLUTIONS, INC. (“EXTREME”) is, on information and belief, a Wisconsin corporation with a place of business at 3225 Deming Way, Suite 120, Middleton, WI 53562.

9. Defendant FREEDOM USA, INC., DBA AVADIRECT.COM D/B/A AVADIRECT CUSTOM COMPUTERS (“AVA”) is, on information and belief, an Ohio corporation with a place of business at 1750 Highland Rd, Suite #4, Twinsburg, OH 44087.

10. Defendant GDA TECHNOLOGIES, INC. (“GDA”) is, on information and belief, a California corporation with a place of business at 1010 Rincon Circle, San Jose, CA 95131.

11. Defendant GENERAL ELECTRIC ENTERPRISE SOLUTIONS, A DIVISION OF GENERAL ELECTRIC COMPANY (“GE”) is, on information and belief, a New York corporation with a place of business at 3135 Easton Turnpike, Fairfield, CT 06828.

12. Defendant INTEGRATED DEVICE TECHNOLOGY, INC. (“IDT”) is, on information and belief, a Delaware corporation with a place of business at 6024 Silver Creek Valley Road, San Jose, CA 95138.

13. Defendant INVENTURE, INC. (“INVENTURE”) is, on information and belief, a Japanese corporation with a place of business at 3-1-1, Shin-yokohama, Kouhoku-ku, Yokohama, Japan 222-8505.

14. Defendant NVIDIA CORPORATION (“NVIDIA”) is, on information and belief, a Delaware corporation with a place of business at 2701 San Tomas Expy, Santa Clara, CA 95050.

15. Defendant NATIONAL INSTRUMENTS CORP. (“NATIONAL INSTRUMENTS”) is, on information and belief, a Delaware corporation with a place of business at 11500 North Mopac Expressway, Austin, TX 78759.

16. Defendant PLX TECHNOLOGY, INC. (“PLX”) is, on information and belief, a Delaware corporation with a place of business at 870 W. Maude Avenue, Sunnyvale, CA 94085.

17. Defendant TIGERDIRECT, INC. (“TIGERDIRECT”) is, on information and belief, a Florida corporation with a place of business at 7795 West Flagler St., Suite 35, Miami, FL. 33144.

18. Defendant VADATECH, INC. (“VADATECH”) is, on information and belief, a Nevada corporation with a place of business at 6853 South Eastern Avenue, Las Vegas, NV 89119.

19. Defendant VROSE MICROSYSTEMS INC. (“VROSE”) is, on information and belief, a New York corporation with a place of business at JKM Building, 309 West Montgomery Street, Suite 16A, Johnstown, NY 12095.

JURISDICTION AND VENUE

20. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331

and 1338(a). On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including at least a portion of the infringements alleged herein. Without limitation, on information and belief, within this state the Defendants have engaged in at least the selling and offering for sale, or they have at least induced or contributed to the selling, offering for sale or use of the accused methods and apparatuses identified herein below. In addition, on information and belief, Defendants have derived substantial revenues from the foregoing. Further, on information and belief, Defendants are subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

21. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, from and within this Judicial District each Defendant has committed at least a portion of the infringements at issue in this case. Without limitation, on information and belief, within this district the Defendants have engaged in at least the selling and offering for sale, or they have at least induced or contributed to the selling, offering for sale or use of the accused methods and apparatuses identified herein below. In addition, on information and belief, Defendants have derived substantial revenues from the foregoing. Further, on information and belief, Defendants are subject to personal jurisdiction in this District for at least the same reasons noted above with respect to personal jurisdiction within the State of Texas.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,454,552

22. United States Patent No. 7,454,552 ("the '552 patent") entitled "Switching with Transparent and Non-Transparent Ports" was filed on November 18, 2004 and issued on

November 18, 2008. The '552 patent is entitled to priority from U.S. Application No. 60/523,246, which was filed on Nov. 18, 2003.

23. The named inventors of the '552 patent are Heath Stewart, Michael de la Garrigue and Chris Haywood.

24. Internet Machines is the assignee of all right, title and interest in the '552 patent. Accordingly, Internet Machines has standing to bring this lawsuit for infringement of the '552 patent.

25. One or more claims of the '552 patent cover, inter alia, various apparatuses or methods comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

26. On information and belief, Defendant ALIENWARE has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

27. Further, on information and belief, at least since becoming aware of the '552 patent, ALIENWARE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

28. Upon information and belief, any such induced infringement by ALIENWARE would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

29. Defendant ALIENWARE is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

30. On information and belief, Defendant AMD DELAWARE has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

31. Further, on information and belief, at least since becoming aware of the '552 patent, AMD DELAWARE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

32. Upon information and belief, any such induced infringement by AMD DELAWARE would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or

especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

33. Defendant AMD DELAWARE is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

34. On information and belief, Defendant ATI has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

35. Further, on information and belief, at least since becoming aware of the '552 patent, ATI has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

36. Upon information and belief, any such induced infringement by ATI would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

37. Defendant ATI is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

38. On information and belief, Defendant CLUB3D has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

39. Further, on information and belief, at least since becoming aware of the '552 patent, CLUB3D has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

40. Upon information and belief, any such induced infringement by CLUB3D would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

41. Defendant CLUB3D is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

42. On information and belief, Defendant CYCLONE has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first

transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

43. Further, on information and belief, at least since becoming aware of the ‘552 patent, CYCLONE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

44. Upon information and belief, any such induced infringement by CYCLONE would necessarily involve intent for the direct infringement the ‘552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

45. Defendant CYCLONE is thus liable for infringement of the ‘552 patent pursuant to 35 U.S.C. § 271.

46. On information and belief, Defendant DELL has been and now is infringing the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

47. Further, on information and belief, at least since becoming aware of the ‘552 patent, DELL has been or now is indirectly infringing by way of inducing infringement and/or

contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

48. Upon information and belief, any such induced infringement by DELL would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

49. Defendant DELL is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

50. On information and belief, Defendant EXTREME has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

51. Further, on information and belief, at least since becoming aware of the '552 patent, EXTREME has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

52. Upon information and belief, any such induced infringement by EXTREME would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

53. Defendant EXTREME is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

54. On information and belief, Defendant AVA has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

55. Further, on information and belief, at least since becoming aware of the '552 patent, AVA has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

56. Upon information and belief, any such induced infringement by AVA would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an

infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

57. Defendant AVA is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

58. On information and belief, Defendant GDA has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

59. Further, on information and belief, at least since becoming aware of the '552 patent, GDA has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

60. Upon information and belief, any such induced infringement by GDA would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

61. Defendant GDA is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

62. On information and belief, Defendant GE has been and now is infringing the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

63. Further, on information and belief, at least since becoming aware of the ‘552 patent, GE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

64. Upon information and belief, any such induced infringement by GE would necessarily involve intent for the direct infringement the ‘552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

65. Defendant GE is thus liable for infringement of the ‘552 patent pursuant to 35 U.S.C. § 271.

66. On information and belief, Defendant IDT has been and now is infringing the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent

port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

67. Further, on information and belief, at least since becoming aware of the ‘552 patent, IDT has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

68. Upon information and belief, any such induced infringement by IDT would necessarily involve intent for the direct infringement the ‘552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

69. Defendant IDT is thus liable for infringement of the ‘552 patent pursuant to 35 U.S.C. § 271.

70. On information and belief, Defendant INVENTURE has been and now is infringing the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

71. Further, on information and belief, at least since becoming aware of the ‘552 patent, INVENTURE has been or now is indirectly infringing by way of inducing infringement

and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

72. Upon information and belief, any such induced infringement by INVENTURE would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

73. Defendant INVENTURE is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

74. On information and belief, Defendant NVIDIA has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

75. Further, on information and belief, at least since becoming aware of the '552 patent, NVIDIA has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

76. Upon information and belief, any such induced infringement by NVIDIA would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

77. Defendant NVIDIA is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

78. On information and belief, Defendant NATIONAL INSTRUMENTS has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

79. Further, on information and belief, at least since becoming aware of the '552 patent, NATIONAL INSTRUMENTS has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

80. Upon information and belief, any such induced infringement by NATIONAL INSTRUMENTS would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or

especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

81. Defendant NATIONAL INSTRUMENTS is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

82. On information and belief, Defendant PLX has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

83. Further, on information and belief, at least since becoming aware of the '552 patent, PLX has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

84. Upon information and belief, any such induced infringement by PLX would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

85. Defendant PLX is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

86. On information and belief, Defendant TIGERDIRECT has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

87. Further, on information and belief, at least since becoming aware of the '552 patent, TIGERDIRECT has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

88. Upon information and belief, any such induced infringement by TIGERDIRECT would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

89. Defendant TIGERDIRECT is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

90. On information and belief, Defendant VADATECH has been and now is infringing the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods

comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

91. Further, on information and belief, at least since becoming aware of the ‘552 patent, VADATECH has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

92. Upon information and belief, any such induced infringement by VADATECH would necessarily involve intent for the direct infringement the ‘552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

93. Defendant VADATECH is thus liable for infringement of the ‘552 patent pursuant to 35 U.S.C. § 271.

94. On information and belief, Defendant VROSE has been and now is infringing the ‘552 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent port, a second transparent port, and a third, non-transparent port, and logic for routing or transporting data between said ports.

95. Further, on information and belief, at least since becoming aware of the ‘552 patent, VROSE has been or now is indirectly infringing by way of inducing infringement and/or

contributing to the infringement of the '552 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

96. Upon information and belief, any such induced infringement by VROSE would necessarily involve intent for the direct infringement the '552 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '552 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

97. Defendant VROSE is thus liable for infringement of the '552 patent pursuant to 35 U.S.C. § 271.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,421,532

98. United States Patent No. 7,421,532 ("the '532 patent") is entitled "Switching with Transparent and Non-Transparent Ports."

99. The '532 patent was filed on January 6, 2005 and issued on September 2, 2008.

100. The '532 patent is a continuation-in-part of U.S. Application No. 10/993,277 filed Nov. 18, 2004 (now the '552 patent), which is entitled to priority from U.S. Application No. 60/523,246 filed Nov. 18, 2003.

101. The named inventors of the '532 patent are Heath Stewart, Michael de la Garrigue and Chris Haywood.

102. Internet Machines is the assignee of all right, title and interest in the '532 patent. Accordingly, Internet Machines has standing to bring this lawsuit for infringement of the '532 patent.

103. One or more claims of the '532 patent cover, inter alia, various apparatuses or methods comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data between said interfaces.

104. On information and belief, Defendant ALIENWARE has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

105. Further, on information and belief, at least since becoming aware of the '532 patent, ALIENWARE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

106. Upon information and belief, any such induced infringement by ALIENWARE would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

107. Defendant ALIENWARE is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

108. On information and belief, Defendant AMD DELAWARE has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

109. Further, on information and belief, at least since becoming aware of the '532 patent, AMD DELAWARE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

110. Upon information and belief, any such induced infringement by AMD DELAWARE would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

111. Defendant AMD DELAWARE is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

112. On information and belief, Defendant ATI has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

113. Further, on information and belief, at least since becoming aware of the ‘532 patent, ATI has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

114. Upon information and belief, any such induced infringement by ATI would necessarily involve intent for the direct infringement the ‘532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

115. Defendant ATI is thus liable for infringement of the ‘532 patent pursuant to 35 U.S.C. § 271.

116. On information and belief, Defendant CLUB3D has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first

transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

117. Further, on information and belief, at least since becoming aware of the '532 patent, CLUB3D has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

118. Upon information and belief, any such induced infringement by CLUB3D would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

119. Defendant CLUB3D is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

120. On information and belief, Defendant CYCLONE has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

121. Further, on information and belief, at least since becoming aware of the ‘532 patent, CYCLONE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

122. Upon information and belief, any such induced infringement by CYCLONE would necessarily involve intent for the direct infringement the ‘532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

123. Defendant CYCLONE is thus liable for infringement of the ‘532 patent pursuant to 35 U.S.C. § 271.

124. On information and belief, Defendant DELL has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

125. Further, on information and belief, at least since becoming aware of the ‘532 patent, DELL has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district,

and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

126. Upon information and belief, any such induced infringement by DELL would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

127. Defendant DELL is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

128. On information and belief, Defendant EXTREME has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

129. Further, on information and belief, at least since becoming aware of the '532 patent, EXTREME has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

130. Upon information and belief, any such induced infringement by EXTREME would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

131. Defendant EXTREME is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

132. On information and belief, Defendant AVA has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

133. Further, on information and belief, at least since becoming aware of the '532 patent, AVA has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

134. Upon information and belief, any such induced infringement by AVA would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an

infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

135. Defendant AVA is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

136. On information and belief, Defendant GDA has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

137. Further, on information and belief, at least since becoming aware of the '532 patent, GDA has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

138. Upon information and belief, any such induced infringement by GDA would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

139. Defendant GDA is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

140. On information and belief, Defendant GE has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

141. Further, on information and belief, at least since becoming aware of the ‘532 patent, GE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

142. Upon information and belief, any such induced infringement by GE would necessarily involve intent for the direct infringement the ‘532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

143. Defendant GE is thus liable for infringement of the ‘532 patent pursuant to 35 U.S.C. § 271.

144. On information and belief, Defendant IDT has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent

interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

145. Further, on information and belief, at least since becoming aware of the ‘532 patent, IDT has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

146. Upon information and belief, any such induced infringement by IDT would necessarily involve intent for the direct infringement the ‘532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

147. Defendant IDT is thus liable for infringement of the ‘532 patent pursuant to 35 U.S.C. § 271.

148. On information and belief, Defendant INVENTURE has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

149. Further, on information and belief, at least since becoming aware of the ‘532 patent, INVENTURE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

150. Upon information and belief, any such induced infringement by INVENTURE would necessarily involve intent for the direct infringement the ‘532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

151. Defendant INVENTURE is thus liable for infringement of the ‘532 patent pursuant to 35 U.S.C. § 271.

152. On information and belief, Defendant NVIDIA has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIeExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

153. Further, on information and belief, at least since becoming aware of the ‘532 patent, NVIDIA has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district,

and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

154. Upon information and belief, any such induced infringement by NVIDIA would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

155. Defendant NVIDIA is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

156. On information and belief, Defendant NATIONAL INSTRUMENTS has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

157. Further, on information and belief, at least since becoming aware of the '532 patent, NATIONAL INSTRUMENTS has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

158. Upon information and belief, any such induced infringement by NATIONAL INSTRUMENTS would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

159. Defendant NATIONAL INSTRUMENTS is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

160. On information and belief, Defendant PLX has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

161. Further, on information and belief, at least since becoming aware of the '532 patent, PLX has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

162. Upon information and belief, any such induced infringement by PLX would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an

infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

163. Defendant PLX is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

164. On information and belief, Defendant TIGERDIRECT has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

165. Further, on information and belief, at least since becoming aware of the '532 patent, TIGERDIRECT has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

166. Upon information and belief, any such induced infringement by TIGERDIRECT would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

167. Defendant TIGERDIRECT is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

168. On information and belief, Defendant VADATECH has been and now is infringing the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

169. Further, on information and belief, at least since becoming aware of the '532 patent, VADATECH has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

170. Upon information and belief, any such induced infringement by VADATECH would necessarily involve intent for the direct infringement the '532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the '532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

171. Defendant VADATECH is thus liable for infringement of the '532 patent pursuant to 35 U.S.C. § 271.

172. On information and belief, Defendant VROSE has been and now is infringing the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States by actions comprising making, using, selling or offering to sell methods or apparatuses comprising PCIExpress Switches, with such switch apparatuses or methods comprising a first transparent interface, a second transparent interface, a third, non-transparent, interface, and circuitry or functionality, for example, logic, for switching or transferring data relative to said interfaces.

173. Further, on information and belief, at least since becoming aware of the ‘532 patent, VROSE has been or now is indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘532 patent in the State of Texas, in this judicial district, and elsewhere in the United States, including in connection with inducing or contributing to the sale, offering for sale or use of said switches by others.

174. Upon information and belief, any such induced infringement by VROSE would necessarily involve intent for the direct infringement the ‘532 patent and the aiding or abetting of such infringement, and any such contributory infringement would necessarily involve knowledge that such switch methods or apparatuses are especially made or especially adapted for use in an infringement of the ‘532 patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

175. Defendant VROSE is thus liable for infringement of the ‘532 patent pursuant to 35 U.S.C. § 271.

176. As a result of Defendants’ infringing conduct, Defendants should be held liable to Internet Machines in an amount that adequately compensates Internet Machines for their infringement, which, by law, can be no less than a reasonable royalty.

177. On information and belief, Defendants have had at least constructive notice of the ‘552 and ‘532 patents by operation of law, and there are no marking requirements that have not been complied with.

178. Internet Machines reserves the right to take discovery regarding Defendants actual pre-suit notice of the ‘552 or ‘532 patents. In any event, on information and belief, Internet Machines contends that, at a minimum, the Defendants continuing infringement of the ‘552 or ‘532 patents during the pendency of this suit is willful, including because Defendants’ infringement is clear and, at a minimum, such continued infringement would necessarily be an objectively reckless act.

PRAYER FOR RELIEF

WHEREFORE, Internet Machines respectfully requests that this Court enter:

1. A judgment in favor of Internet Machines that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the ‘552 and ‘532 patents;
2. A judgment that the Defendants’ infringement is and/or has been willful and objectively reckless;
3. A permanent injunction enjoining Defendants, and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the ‘552 and ‘532 patents;
4. A judgment and order requiring Defendants to pay Internet Machines its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants’ infringement of the ‘552 and ‘532 patents as provided under 35 U.S.C. § 284;

5. An award to Internet Machines for enhanced damages as provided under 35 U.S.C. § 284;

6. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Internet Machines its reasonable attorneys' fees; and

7. Any and all other relief to which Internet Machines may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

March 2, 2010

Respectfully submitted,

INTERNET MACHINES LLC

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ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

March 2, 2010

/s/ John J. Edmonds
John J. Edmonds